

2. MediaTek admits that MediaTek Inc. is a company incorporated under the laws of Taiwan, and that MediaTek Inc. has a place of business at No. 1, Dusing Road 1, Hsinchu Science Park, Hsinchu City 30078, Taiwan. MediaTek denies any remaining allegations in paragraph 2.

3. MediaTek admits that MediaTek USA Inc. is a company incorporated under the laws of the state of Delaware, and that MediaTek USA Inc. has a place of business at 5914 W. Courtyard Drive, Austin, Texas 78730. MediaTek admits that MediaTek USA Inc. is registered to conduct business in the state of Texas, and that CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, is a registered agent for service. MediaTek denies any remaining allegations in paragraph 3.

4. MediaTek denies the allegations of paragraph 4.

5. MediaTek denies the allegations of paragraph 5.

6. MediaTek denies the allegations of paragraph 6.

7. MediaTek denies the allegations of paragraph 7.

8. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 8, and therefore denies same.

9. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 9, and therefore denies same.

10. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 10, and therefore denies same.

11. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 11, and therefore denies same.

12. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 12, and therefore denies same.

13. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 13, and therefore denies same.

14. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 14, and therefore denies same.

15. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 15, and therefore denies same.

16. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 16, and therefore denies same.

17. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 17, and therefore denies same.

18. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 18, and therefore denies same.

19. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 19, and therefore denies same.

20. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 20, and therefore denies same.

21. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 21, and therefore denies same.

22. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 22, and therefore denies same.

23. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 23, and therefore denies same.

24. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 24, and therefore denies same.

25. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 25, and therefore denies same.

26. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 26, and therefore denies same.

27. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 27, and therefore denies same.

28. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 28, and therefore denies same.

29. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 29, and therefore denies same.

30. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 30, and therefore denies same.

31. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 31, and therefore denies same.

32. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 32, and therefore denies same.

33. MediaTek denies the allegations of paragraph 33.

JURISDICTION AND VENUE

34. MediaTek admits that this is an action alleging infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284-85. MediaTek further admits that this Court has subject matter jurisdiction over patent actions generally under 28 U.S.C. §§ 1331 and 1338(a). MediaTek denies any remaining allegations of paragraph 34.

35. For purposes of this action only, MediaTek admits that it is subject to this Court's personal jurisdiction. With regard to the remaining allegations of paragraph 35 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement, either in this District or otherwise. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

36. For purposes of this action only, MediaTek admits that venue is proper in this District. MediaTek further admits MediaTek Inc. is a foreign entity, and that MediaTek USA Inc. has a place of business in this District at 5914 W. Courtyard Drive, Austin, Texas 78730. With regard to any remaining allegations of paragraph 36, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement, either in this District or otherwise.

37. For purposes of this action only, MediaTek admits that venue is proper in this District with regard to MediaTek Inc. MediaTek further admits that MediaTek Inc. is organized under the laws of Taiwan. With regard to any remaining allegations of paragraph 37, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement, either in this District or otherwise.

38. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 38, and therefore denies same.

39. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 39, and therefore denies same.

40. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 40, and therefore denies same.

41. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 41, and therefore denies same.

42. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 42, and therefore denies same.

43. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 43, and therefore denies same.

44. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 44, and therefore denies same.

BACKGROUND

45. MediaTek denies American Patent's characterization of the patents-in-suit, and any alleged technology disclosed therein. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations of paragraph 45, and therefore denies same.

46. MediaTek denies American Patent's characterization of the state of the art prior to the patents-in-suit, and denies any remaining allegations of paragraph 46.

47. MediaTek denies American Patent's characterization of the patents-in-suit, and any alleged technology disclosed therein. MediaTek is without sufficient knowledge or

information to form a belief as to the truth or falsity of the remaining allegations of paragraph 47, and therefore denies same.

48. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 48, and therefore denies same.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,964,001

49. MediaTek admits that the face of U.S. Patent No. 6,964,001 (“the ’001 Patent”) states that the United States Patent and Trademark Office issued the ’001 Patent on November 8, 2005, and that the title of the ’001 Patent is “On-Chip Service Processor.” MediaTek denies the remaining allegations of paragraph 49, including that the ’001 Patent was duly and legally issued.

50. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 50, and therefore denies same.

51. MediaTek denies the allegations of paragraph 51.

52. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 52, and therefore denies same.

53. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 53, and therefore denies same.

54. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 54, and therefore denies same.

55. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 55, and therefore denies same.

56. With regard to the allegations in paragraph 56 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

57. With regard to the allegations in paragraph 57 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

58. With regard to the allegations in paragraph 58 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

59. With regard to the allegations in paragraph 59 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

60. With regard to the allegations in paragraph 60 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient

knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

61. With regard to the allegations in paragraph 61 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

62. With regard to the allegations in paragraph 62 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

63. With regard to the allegations in paragraph 63 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

64. With regard to the allegations in paragraph 64 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

65. With regard to the allegations in paragraph 65 against MediaTek, MediaTek admits that it did not have knowledge of the '001 Patent prior to the filing of this action. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

66. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 66, and therefore denies same.

67. MediaTek admits that U.S. Patent No. 6,687,865 was cited during the prosecution of U.S. Patent No. 7,533,315, which on its face indicates that it is assigned to MediaTek Inc. MediaTek further admits that U.S. Patent No. 7,080,301 was cited during the prosecution of U.S. Patent No. 7,533,315. MediaTek also admits that I-Chieh Han and You-Ming Chiu are listed on the face of U.S. Patent No. 7,533,315 as co-inventors. MediaTek denies the remaining allegations of paragraph 67.

68. With regard to the allegations in paragraph 68 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

69. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 69, and therefore denies same.

COUNT II

DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,836,371

70. MediaTek admits that the face of U.S. Patent No. 7,836,371 (“the ’371 Patent”) states that the United States Patent and Trademark Office issued the ’371 Patent on November 16, 2010, and that the title of the ’371 Patent is “On-Chip Service Processor.” MediaTek denies the remaining allegations of paragraph 70, including that the ’371 Patent was duly and legally issued.

71. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 71, and therefore denies same.

72. MediaTek denies the allegations of paragraph 72.

73. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 73, and therefore denies same.

74. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 74, and therefore denies same.

75. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 75, and therefore denies same.

76. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 76, and therefore denies same.

77. With regard to the allegations in paragraph 77 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

78. With regard to the allegations in paragraph 78 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

79. With regard to the allegations in paragraph 79 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

80. With regard to the allegations in paragraph 80 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

81. With regard to the allegations in paragraph 81 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

82. With regard to the allegations in paragraph 82 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient

knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

83. With regard to the allegations in paragraph 83 against MediaTek, MediaTek admits that it did not have knowledge of the '371 Patent prior to the filing of this action. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

84. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 84, and therefore denies same.

85. MediaTek admits that U.S. Patent No. 6,687,865 was cited during the prosecution of U.S. Patent No. 7,533,315, which on its face indicates that it is assigned to MediaTek Inc. MediaTek further admits that U.S. Patent No. 7,080,301 was cited during the prosecution of U.S. Patent No. 7,533,315. MediaTek also admits that I-Chieh Han and You-Ming Chiu are listed on the face of U.S. Patent No. 7,533,315 as co-inventors. MediaTek denies the remaining allegations of paragraph 85.

86. With regard to the allegations in paragraph 86 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

87. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 87, and therefore denies same.

COUNT III

DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,239,716

88. MediaTek admits that the face of U.S. Patent No. 8,239,716 (“the ’716 Patent”) states that the United States Patent and Trademark Office issued the ’716 Patent on August 7, 2012, and that the title of the ’716 Patent is “On-Chip Service Processor.” MediaTek denies the remaining allegations of paragraph 88, including that the ’716 Patent was duly and legally issued.

89. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 89, and therefore denies same.

90. MediaTek denies the allegations of paragraph 90.

91. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 91, and therefore denies same.

92. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 92, and therefore denies same.

93. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 93, and therefore denies same.

94. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 94, and therefore denies same.

95. With regard to the allegations in paragraph 95 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

96. With regard to the allegations in paragraph 96 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

97. With regard to the allegations in paragraph 97 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

98. With regard to the allegations in paragraph 98 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

99. With regard to the allegations in paragraph 99 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

100. With regard to the allegations in paragraph 100 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient

knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

101. With regard to the allegations in paragraph 101 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

102. With regard to the allegations in paragraph 102 against MediaTek, MediaTek admits that it did not have knowledge of the '716 Patent prior to the filing of this action. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

103. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 103, and therefore denies same.

104. MediaTek admits that U.S. Patent No. 6,687,865 was cited during the prosecution of U.S. Patent No. 7,533,315, which on its face indicates that it is assigned to MediaTek Inc. MediaTek further admits that U.S. Patent No. 7,080,301 was cited during the prosecution of U.S. Patent No. 7,533,315. MediaTek also admits that I-Chieh Han and You-Ming Chiu are listed on the face of U.S. Patent No. 7,533,315 as co-inventors. MediaTek denies the remaining allegations of paragraph 104.

105. With regard to the allegations in paragraph 105 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient

knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

106. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 106, and therefore denies same.

COUNT IV

DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,996,938

107. MediaTek admits that the face of U.S. Patent No. 8,996,938 (“the ’938 Patent”) states that the United States Patent and Trademark Office issued the ’938 Patent on March 31, 2015, and that the title of the ’938 Patent is “On-Chip Service Processor.” MediaTek denies the remaining allegations of paragraph 107, including that the ’938 Patent was duly and legally issued.

108. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 108, and therefore denies same.

109. MediaTek denies the allegations of paragraph 109.

110. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 110, and therefore denies same.

111. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 111, and therefore denies same.

112. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 112, and therefore denies same.

113. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 113, and therefore denies same.

114. With regard to the allegations in paragraph 114 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

115. With regard to the allegations in paragraph 115 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

116. With regard to the allegations in paragraph 116 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

117. With regard to the allegations in paragraph 117 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

118. With regard to the allegations in paragraph 118 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient

knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

119. With regard to the allegations in paragraph 119 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

120. With regard to the allegations in paragraph 120 against MediaTek, MediaTek admits that it did not have knowledge of the '938 Patent prior to the filing of this action. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

121. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 121, and therefore denies same.

122. MediaTek admits that U.S. Patent No. 6,687,865 was cited during the prosecution of U.S. Patent No. 7,533,315, which on its face indicates that it is assigned to MediaTek Inc. MediaTek further admits that U.S. Patent No. 7,080,301 was cited during the prosecution of U.S. Patent No. 7,533,315. MediaTek also admits that I-Chieh Han and You-Ming Chiu are listed on the face of U.S. Patent No. 7,533,315 as co-inventors. MediaTek denies the remaining allegations of paragraph 122.

123. With regard to the allegations in paragraph 123 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement. With regard to the allegations against other Defendants, MediaTek is without sufficient

knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

124. MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 124, and therefore denies same.

125. With regard to the allegations in paragraph 125 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement, indirectly or otherwise. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

126. With regard to the allegations in paragraph 126 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement, indirectly or otherwise. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

127. With regard to the allegations in paragraph 127 against MediaTek, MediaTek denies those allegations, including that MediaTek has committed any acts of patent infringement, indirectly or otherwise. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

128. With regard to the allegations in paragraph 128 against MediaTek, MediaTek denies those allegations. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

129. With regard to the allegations in paragraph 129 against MediaTek, MediaTek denies those allegations. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

130. With regard to the allegations in paragraph 130 against MediaTek, MediaTek denies those allegations. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

131. With regard to the allegations in paragraph 131 against MediaTek, MediaTek denies those allegations. With regard to the allegations against other Defendants, MediaTek is without sufficient knowledge or information to form a belief as to the truth or falsity of those allegations, and therefore denies same.

JURY DEMAND

MediaTek admits that this paragraph contains a demand for jury trial to which no response is required. MediaTek also demands a trial by jury.

PRAYER FOR RELIEF

MediaTek specifically denies any factual assertions contained in the prayer for relief and further denies that American Patents is entitled to any relief sought in its prayer for relief.

MEDIATEK'S AFFIRMATIVE DEFENSES

Without any admission as to the burden of proof, and subject to its responses above, MediaTek asserts the following defenses, upon information and belief, in response to the allegations of the Complaint. Regardless of how such defenses are listed herein, MediaTek undertakes the burden of proof only as to those defenses that are deemed affirmative defenses as

a matter of law. MediaTek expressly reserves the right to amend or raise additional defenses pursuant to any docket control order or as additional information becomes available through further investigation and discovery.

**First Affirmative Defense
(Non-Infringement)**

MediaTek has not infringed and does not infringe, directly, indirectly, literally or by the doctrine of equivalents, any valid and enforceable claim of the '001, '371, '716, and/or '938 Patents. For example, and without limitation, asserted claim 5 of the '001 Patent requires an “on-chip logic analyzer” and “means to align said signals propagated through said probe lines.” However, the accused MediaTek products identified in the Complaint do not meet these claim limitations, either literally, or under the doctrine of equivalents. Similarly, for example, and without limitation, asserted claim 7 of the '371 Patent requires a “service processor unit” that is “adapted to perform capture and analysis of system operation signals.” However, the accused MediaTek products identified in the Complaint do not meet this claim limitation, either literally, or under the doctrine of equivalents. Likewise, for example, and without limitation, asserted claim 1 of the '716 Patent requires an “analysis engine” that is “configured to align signals received from said probe lines during normal system operation.” However, the accused MediaTek products identified in the Complaint do not meet this claim limitation, either literally, or under the doctrine of equivalents. Finally, for example, and without limitation, claim 1 of the '938 Patent requires an “analysis engine.” However, the accused MediaTek products identified in the Complaint do not meet this claim limitation, either literally, or under the doctrine of equivalents.

**Second Affirmative Defense
(Invalidity)**

One or more claims of the '001, '371, '716, and/or '938 Patents are invalid for failure to satisfy one or more of the requirements for patentability set forth in Title 35 of the United States Code, including, but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112. For example, and without limitation, asserted claim 5 of the '001 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,642,479; 5,809,037; 5,905,738; and/or 6,182,247. Similarly, for example, and without limitation, asserted claim 7 of the '371 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,642,479; 5,809,037; and/or 5,905,738. Likewise, for example, and without limitation, asserted claim 1 of the '716 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,544,311; 5,642,479; 5,809,037; 5,905,738; 6,182,247; and/or 6,618,775. Finally, for example, and without limitation, asserted claim 1 of the '938 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,642,479; 5,809,037; 5,905,738; 6,182,247; and/or 6,618,775.

**Third Affirmative Defense
(Prosecution History Estoppel)**

By reason of statements, representations, admissions, concessions, arguments, omissions and/or amendments made by and/or on behalf of the applicants during the prosecution of the applications that led to the issuance of the '001, '371, '716, and '938 Patents, American Patents' claims of patent infringement are barred, in whole or in part, by the doctrine of prosecution history estoppel and/or disclaimer.

**Fourth Affirmative Defense
(Statutory Limit on Damages)**

American Patents' claims for damages and/or costs are statutorily limited by 35 U.S.C. §§ 286-287. Specifically, on information and belief, any claim for pre-suit damages is barred, in

whole or in part, for failure to comply with the marking and notice requirements of 35 U.S.C. § 287.

**Fifth Affirmative Defense
(Express License, Implied License, and Patent Exhaustion)**

American Patents' claims are barred, in whole or in part, by express license agreements and/or under the doctrines of implied license, or patent exhaustion. More specifically, American Patents' claims for damages for infringement are limited or entirely foreclosed to the extent that allegedly infringing components and/or products are supplied, directly or indirectly, to MediaTek by an entity or entities having a license to the '001, '371, '716, and/or '938 Patents. Moreover, American Patents' claims are precluded under the doctrine of patent exhaustion.

**Sixth Affirmative Defense
(Equitable Defenses)**

American Patents' claims are barred, in whole or in part, by the doctrines of waiver, implied waiver, acquiescence, equitable estoppel, unclean hands and/or other equitable remedies.

**Seventh Affirmative Defense
(Government Use)**

To the extent that any accused MediaTek product has been used or manufactured by or for the United States Government, American Patents' claims and demands for relief are barred by 28 U.S.C. § 1498.

Reservation of Remaining Defenses

MediaTek reserves all defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other defenses, at law or in equity, which may now exist or in the future be available based on discovery.

MEDIATEK USA INC.'S COUNTERCLAIMS

1. This is an action seeking declaratory judgments of non-infringement and invalidity of U.S. Patent No. 6,964,001 (“the ’001 Patent”), U.S. Patent No. 7,836,371 (“the ’371 Patent”), U.S. Patent No. 8,239,716 (“the ’716 Patent”), and U.S. Patent No. 8,996,938 (“the ’938 Patent”).

THE PARTIES

2. Counterclaimant MediaTek USA Inc. (“MediaTek USA”) is a Delaware corporation with its principal place of business at 2860 Junction Avenue, San Jose, California 95134.

3. Upon information and belief, Counterclaim Defendant American Patents LLC (“American Patents”) is a Texas limited liability company with its principal place of business at 2325 Oak Alley, Tyler, Texas 75703.

4. American Patents has submitted to the personal jurisdiction of this Court by bringing the present action against MediaTek USA.

5. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 100, et seq., and the Declaratory Judgments Act, 28 U.S.C. §§ 2201 and 2202, based on an actual justiciable controversy between MediaTek USA and American Patents. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a) and 2201.

6. To the extent venue is proper in the underlying patent infringement action, venue is proper here as to these Counterclaims under 28 U.S.C. §§ 1391 and 1400(b). However, MediaTek USA reserves the right to move to transfer venue in the underlying patent infringement action to a more convenient judicial district irrespective of the allegations in these Counterclaims.

FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '001 Patent)

7. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-6 above.

8. There exists an actual case or controversy between MediaTek USA and American Patents concerning the alleged infringement of the '001 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

9. MediaTek USA has not infringed and does not infringe, directly or indirectly, literally or under the doctrine of equivalents, any claim of the '001 Patent.

10. For example, and without limitation, asserted claim 5 of the '001 Patent requires an "on-chip logic analyzer" and "means to align said signals propagated through said probe lines." However, the accused MediaTek USA products identified in the Complaint do not meet these claim limitations, either literally, or under the doctrine of equivalents.

11. MediaTek USA therefore seeks a declaration from this Court that MediaTek USA does not infringe any claim of the '001 Patent.

SECOND COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '001 Patent)

12. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-11 above.

13. There exists an actual case or controversy between MediaTek USA and American Patents concerning the validity of the '001 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

14. One or more claims of the '001 Patent are invalid for failure to meet one or more of the requirements for patentability set forth in Title 35 of the United States Code, including, but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

15. For example, and without limitation, asserted claim 5 of the '001 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,642,479; 5,809,037; 5,905,738; and/or 6,182,247.

16. MediaTek USA therefore seeks a declaration from this Court that one or more of the claims of the '001 Patent are invalid.

THIRD COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '371 Patent)

17. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-16 above.

18. There exists an actual case or controversy between MediaTek USA and American Patents concerning the alleged infringement of the '371 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

19. MediaTek USA has not infringed and does not infringe, directly or indirectly, literally or under the doctrine of equivalents, any claim of the '371 Patent.

20. For example, and without limitation, asserted claim 7 of the '371 Patent requires a "service processor unit" that is "adapted to perform capture and analysis of system operation signals." However, the accused MediaTek USA products identified in the Complaint do not meet this claim limitation, either literally, or under the doctrine of equivalents.

21. MediaTek USA therefore seeks a declaration from this Court that MediaTek USA does not infringe any claim of the '371 Patent.

FOURTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '371 Patent)

22. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-21 above.

23. There exists an actual case or controversy between MediaTek USA and American Patents concerning the validity of the '371 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

24. One or more claims of the '371 Patent are invalid for failure to meet one or more of the requirements for patentability set forth in Title 35 of the United States Code, including, but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

25. For example, and without limitation, asserted claim 7 of the '371 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,642,479; 5,809,037; and/or 5,905,738.

26. MediaTek USA therefore seeks a declaration from this Court that one or more of the claims of the '371 Patent are invalid.

FIFTH COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '716 Patent)

27. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-26 above.

28. There exists an actual case or controversy between MediaTek USA and American Patents concerning the alleged infringement of the '716 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

29. MediaTek USA has not infringed and does not infringe, directly or indirectly, literally or under the doctrine of equivalents, any claim of the '716 Patent.

30. For example, and without limitation, asserted claim 1 of the '716 Patent requires an "analysis engine" that is "configured to align signals received from said probe lines during normal system operation." However, the accused MediaTek USA products identified in the Complaint do not meet this claim limitation, either literally, or under the doctrine of equivalents.

31. MediaTek USA therefore seeks a declaration from this Court that MediaTek USA does not infringe any claim of the '716 Patent.

SIXTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '716 Patent)

32. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-31 above.

33. There exists an actual case or controversy between MediaTek USA and American Patents concerning the validity of the '716 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

34. One or more claims of the '716 Patent are invalid for failure to meet one or more of the requirements for patentability set forth in Title 35 of the United States Code, including, but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

35. For example, and without limitation, asserted claim 1 of the '716 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,544,311; 5,642,479; 5,809,037; 5,905,738; 6,182,247; and/or 6,618,775.

36. MediaTek USA therefore seeks a declaration from this Court that one or more of the claims of the '716 Patent are invalid.

SEVENTH COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '938 Patent)

37. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-36 above.

38. There exists an actual case or controversy between MediaTek USA and American Patents concerning the alleged infringement of the '938 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

39. MediaTek USA has not infringed and does not infringe, directly or indirectly, literally or under the doctrine of equivalents, any claim of the '938 Patent.

40. For example, and without limitation, claim 1 of the '938 Patent requires an "analysis engine." However, the accused MediaTek USA products identified in the Complaint do not meet this claim limitation, either literally, or under the doctrine of equivalents.

41. MediaTek USA therefore seeks a declaration from this Court that MediaTek USA does not infringe any claim of the '938 Patent.

EIGHTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '938 Patent)

42. MediaTek USA re-alleges and incorporates by reference the allegations in paragraph 1-41 above.

43. There exists an actual case or controversy between MediaTek USA and American Patents concerning the validity of the '938 Patent by virtue of American Patents' Complaint and MediaTek USA's Answer and Affirmative Defenses thereto.

44. One or more claims of the '938 Patent are invalid for failure to meet one or more of the requirements for patentability set forth in Title 35 of the United States Code, including, but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

45. For example, and without limitation, asserted claim 1 of the '938 Patent is anticipated and/or rendered obvious by U.S. Pat. Nos. 5,642,479; 5,809,037; 5,905,738; 6,182,247; and/or 6,618,775.

46. MediaTek USA therefore seeks a declaration from this Court that one or more of the claims of the '938 Patent are invalid.

PRAYER FOR RELIEF

WHEREFORE, MediaTek USA prays that the Court enter judgment in its favor and against American Patents as follows:

- A. Declaring that the claims of the '001, '371, '716, and/or '938 Patents have not been and are not being infringed by MediaTek USA;
- B. Declaring that the claims of the '001, '371, '716, and/or '938 Patents are invalid;
- C. Denying all relief that American Patents seeks in its Complaint;
- D. Awarding MediaTek USA its expenses and costs in accordance with Rule 54(d) of the Federal Rules of Civil Procedure;
- E. Finding this case to be exceptional under 35 U.S.C. § 285 and awarding MediaTek USA its costs and attorneys' fees; and
- F. Awarding MediaTek USA any other relief that the Court deems just and proper.

Dated: February 5, 2019

Respectfully submitted,

/s/ Tyler T. VanHoutan

Tyler T. VanHoutan (*pro hac vice* pending)

Lead Attorney

MCGUIREWOODS LLP

600 Travis Street, Suite 7500

Houston, TX 77002

Telephone: 713.571.9191

Facsimile: 713.571.9652

tvanhoutan@mcguirewoods.com

Paige Arnette Amstutz (State Bar No. 00796136)

SCOTT, DOUGLASS & McCONNICO, LLP

303 Colorado Street, Suite 2400

Austin, TX 78701

Telephone: 512.495.6300

Facsimile: 512.495.6399

pamstutz@scottdoug.com

Counsel for MediaTek Inc. and MediaTek USA Inc.

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served on this day of February 5, 2019, with a copy of the foregoing via the Court's CM/ECF system.

/s/ Tyler T. VanHoutan

Tyler T. VanHoutan